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Honeywell International Inc.
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OFFICE OF PETITIONS

In re Application of :
D'Angelo et al. :
Application No. 10/625,295 : DECISION ON PETITION
Filed: July 22, 2003 :
Attorney Docket No. H0004409-3114 :

This is a decision on the petition filed May 24, 2004, requesting that the above-identified application be accorded a filing date of July 22, 2003, with Figure 6 described in the specification as part of the original disclosure.

On July 22, 2003, applicants filed the above-identified application. On March 23, 2004, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of July 22, 2003, and advising applicants that Figure 6 appeared to have been omitted.

In response, on May 24, 2004, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of 6 sheets of drawings on July 22, 2003. Additionally, applicants submitted 6 sheets of drawings, including Figure 6.

Upon review of the record, Figure 6, deposited on July 22, 2003, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 22, 2003, included Figure 6, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including Figure 6, was complete on filing and will be granted a filing date of July 22, 2003.

Accordingly, the petition is granted.

The Notice of Omitted Item(s) was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee is unnecessary and will be refunded to Deposit Account No. 50-2091.

The Office of Initial Patent Examination is directed to accorded the above-identified application a filing date of **July 22, 2003**, using Figures 1-5 submitted on that date and Figure 6 submitted on May 24, 2004, and to mail a corrected filing receipt. The Office is also directed to correct the records to indicate 6 sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions